

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

ALICIA LOWE, et al., )  
Plaintiffs, )  
v. )  
JANET T. MILLS, in her official )  
capacity as Governor of the State of )  
Maine, et al., )  
Defendants. )

1:21-cv-00242-JDL

**ORDER**

On July 28, 2023, Defendants MaineHealth, Genesis Healthcare of Maine, LLC, Genesis Healthcare LLC, MaineGeneral Health, and Northern Light Eastern Maine Medical Center (together, the “Provider Defendants”) moved for entry of final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure (ECF No. 172). The Provider Defendants filed their motion after the United States Court of Appeals for the First Circuit issued a mandate (ECF No. 165) affirming this Court’s dismissal of the Plaintiffs’ claims against them (ECF No. 156) and before the Plaintiffs petitioned for writ of certiorari to the United States Supreme Court to review the First Circuit’s decision. *Lowe v. Mills*, 68 F.4th 706 (1st Cir. May 25, 2023), *petition for cert. filed* No. 23-152 (U.S. Aug. 15, 2023).

The Provider Defendants aver that only the Supreme Court can revive the otherwise finally adjudicated claims against them. *See* ECF No. 172 at 3 (acknowledging that the “only potential avenue for further review” of the claims

against them runs through the Supreme Court). The Plaintiffs agree. *See* ECF No. 180 at 2 (“The claims against Provider Defendants will rise or fall on the Supreme Court’s decision, whether on certiorari or on the ultimate merits.”). The Supreme Court denied the Plaintiffs’ petition for writ of certiorari on October 30, 2023. *Lowe v. Mills*, No. 23-152, 2023 WL 7117039 (U.S. Oct. 30, 2023).

Accordingly, I take no action on the Provider Defendants’ Motion for Entry of Final Judgment at this time. It is **ORDERED** that the Provider Defendants shall submit, within fourteen days of the issuance of this Order, a supplemental filing that explains why their Motion for Entry of Final Judgment (ECF No. 172) is not mooted by the Supreme Court’s denial of certiorari, absent which the motion will be denied as moot.

**SO ORDERED.**

**Dated this 7th day of November, 2023.**

/s/ Jon D. Levy  
**CHIEF U.S. DISTRICT JUDGE**